

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

December 4, 2003

Applicants: Rainer LUDWIG
For : MONITORING DEVICE
Serial No.: 09/758 515
Filed : January 11, 2001
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group: 2856
Examiner: Raeviis
Confirmation No. 8391

RESPONSE TO OFFICE UNDER 37 CFR 1.116

Dear Sir:

This Response is offered in reply to the office action of November 28, 2003, wherein claims 1, 2, 4, 5, 7, 8, 9, and 10 are provisionally rejected under the judicially created doctrine of obviousness double patenting over claims 21, 22, 23, 24, and 28 of copending application Serial No. 09/758 513. Claims 3, 6, and 11-36 stand allowed.

The examiner indicated that a Terminal Disclaimer relating to Serial No. 09/758 513 was not in the file wrapper.

Applicant encloses with this facsimile a copy of the Terminal Disclaimer relating to Serial No. 09/758 513 previously submitted with Applicant's last-filed Response To Office Action filed on October 24, 2003. Applicant does not know why the Terminal Disclaimer is missing from the file.

Applicant also encloses a copy of his stamped Post Card indicating receipt by the PTO of Applicant's last-filed Response To Office Action filed on October 24, 2003, including two Terminal Disclaimers.

Applicant believes the enclosed Terminal Disclaimer relating to Serial No. 09/758 513 overcomes the rejection of claims 1, 2, 4, 5, 7, 8, 9, and 10 and places this application in condition for allowance.

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Entry of this Response and Terminal Disclaimer are requested along with allowance of all of the pending claims.

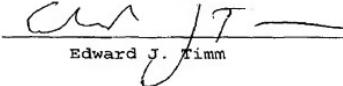
Respectfully submitted,


Edward J. Timmer Reg. No. 27402

1-269-629-9136

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and enclosures are being facsimile transmitted to number 1-703-872-9306 on December 4, 2003.


Edward J. Timm